

Response

Claims 1-6, 8-10, 13-17, 19-25, 27-29, 32-36, 38-44, 46-48, 51-55, 57-63, 65-67, 70-74 and 76 are pending. Claims 1, 20, 39 and 58 are rejected. Claims 1-6, 8-10, 13-17, 19-25, 27-29, 32-36, 38-44, 46-48, 51-55, 57-63, 65-67, 70-74 and 76 are objected to. Claims 1, 20, 39 and 58 have been amended. No new matter has been added. Importantly, the claim amendments should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicants expressly reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application (35 USC § 120).

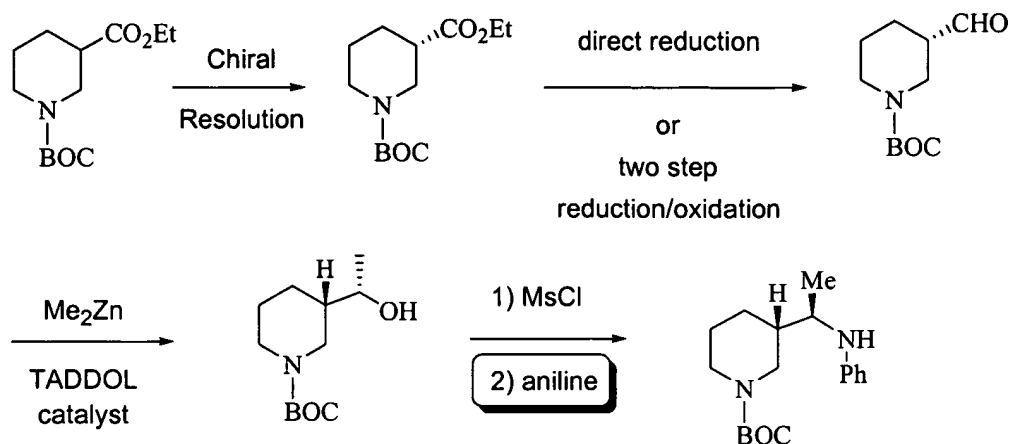
Election and Restriction

The Applicants affirm the election of **Group IIIa** drawn to compounds wherein n is 1; Z is NHR"; R is aralkyl; R' is alkyl; and R" is aryl. Accordingly, claims 1, 20, 39 and 58 have been amended to remove non-elected subject matter. Incidentally, claims 20, 39 and 58 have also been amended to insert "wherein" before the recitation of the limitations.

Response to Claim Rejections Based on 35 USC § 112¶1

Claims 1, 20, 39 and 58 are rejected for lacking enablement. Specifically, the Examiner contends that the specification, while being enabling for aryl to be phenyl, does not reasonably provide enablement for any and all the aryls. The Applicants respectfully traverse this rejection.

The Applicants appreciate the Examiner stating on the record, on page 6 of the instant Office Action, that sufficient guidance is provided by the application "wherein aryl is a phenyl group." However, the Examiner's subsequent statement that the "process of making compounds would depend upon the type of group ... present on the N of the piperidine" is incorrect. Shown below is a portion of Figure 5 from the instant application.



The Applicants direct the Examiner's attention to step 2) boxed above. In this step, the application teaches the displacement of a mesylate, via an S_N2 reaction, with the nitrogen of an aniline. The S_N2 reaction is one of the fundamental reactions of organic chemistry. Importantly, so long as the nucleophile reactant (in this case the nitrogen of the aniline) and the electrophile reactant (in this case the mesylate) are not too sterically hindered, the reaction will occur under the proper conditions. Therefore, the Applicants assert that one skilled in the art would realize that any unhindered amine-containing compound, and certainly an amine-containing aryl compound (e.g., aniline or an aminopyridine), would be an acceptable nucleophile in this reaction. Put another way, the phenyl component of the aniline in this reaction is just "along for the ride," and may be replaced with a wide range of other moieties without effecting the outcome of this reaction. Given the vast teaching in the art as to S_N2 reactions, and the relative ease with which a chemist of ordinary skill may assess the effectiveness of a particular nitrogen-containing nucleophile in the above-depicted transformation, the Applicants respectfully contend that no undue experimentation would be required to make and use the claimed invention.

Given the arguments presented above, the Applicants respectfully request the withdrawal of the rejections of claims 1, 20, 39 and 58 based on 35 USC § 112¶1.

Fees

The Applicants believe no fee is required in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, **06-1448**.

Conclusion

In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. The Applicants respectfully request reconsideration and withdrawal of the pending rejections. The Applicants thank the Examiner for careful consideration of the present case. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

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Respectfully submitted,
FOLEY HOAG LLP

A handwritten signature in black ink, appearing to read "Dana Gordon", written over a horizontal line.

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